

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOVON WINSTON COLLEY,

Petitioner,

v.

WARDEN OF THE GOLDEN STATE
ANNEX DETENTION FACILITY, *et al.*,

Respondents.

Case No. 1:25-cv-0082 JLT CDB (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS; DISMISSING
PETITION FOR WRIT OF HABEAS
CORPUS WITHOUT PREJUDICE,
TERMINATING THE MOTION TO DISMISS
AS MOOT, AND DIRECTING THE CLERK
OF COURT TO CLOSE THE CASE

(Docs. 10, 21)

Jovon Winston Colley sought to proceed with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 on January 17, 2025. (Doc. 1.) At the time of filing, Petitioner was in custody of the Immigration and Customs Enforcement at the Golden State Annex, located in McFarland, California. (*See id.* at 1.) The magistrate judge performed a preliminary review of the petition and found it was unclear whether Petitioner was entitled to relief. Therefore, the Court ordered Respondents to file a response to the petition. (Doc. 7.) On March 25, 2025, Respondents moved to dismiss the petition. (Doc. 9.) Petitioner failed to file an opposition or statement of non-opposition to the pending motion.

The Court ordered Petitioner to show cause why this petition should not be dismissed for “failure to comply with the Local Rules and to obey a court order.” (Doc. 19.) The U.S. Postal Service returned the Court’s order as “Undeliverable, Not in Custody, Released, Unable to

Forward” on July 7, 2025. The magistrate judge then recommended the Court dismiss the action without prejudice “(1) for Petitioner’s failure to prosecute this case and to comply with a court order and the Local Rules, and (2) because Petitioner’s petition is moot following his release from custody.” (Doc. 21 at 6; *see also id.* at 3-6.)

The Court served the Findings and Recommendations on Petitioner and notified him that any objections were due within 14 days. (Doc. 7 at 4.) The U.S. Postal Service again returned the Court’s mail as “Undeliverable, Return to Sender, Not Deliverable as Addressed, Detainee Not in Custody, Released.” However, the Court’s service upon Petitioner is deemed fully effective pursuant to Local Rule 182(f).

According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on July 10, 2025 (Doc. 21) are **ADOPTED** in full.
2. This action is **DISMISSED** without prejudice.
3. Respondents’ motion to dismiss (Doc. 9) is terminated as **MOOT**.
4. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: **July 28, 2025**


UNITED STATES DISTRICT JUDGE